

Planning Commission Hearing Minutes April 8, 2013

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Meta Nash Josh Bokee Alderman Russell Rick Stup Kate McConnell Bill Ryan		Gabrielle Dunn-Division Manager for Current Planning Jeff Love-City Planner Pam Reppert-City Planner Devon Hahn-City Traffic Engineer Scott Waxter- Assistant City Attorney Carreanne Eyler-Administrative Assistant

I. ANNOUNCEMENTS:

Commissioner Nash announced that there is a meeting on the East Street Rails to Trails plan at City Hall 7 p.m. Tuesday, April 9, 2013.

II. APPROVAL OF MINUTES:

Approval of the March 11, 2013 Planning Commission Hearing Minutes as amended:

MOTION: Commissioner Stup.

SECOND: Commissioner McConnell.

VOTE: 5-0. (Alderman Russell abstained)

Approval of the March 18, 2013 Planning Commission Workshop Meeting Minutes as amended:

MOTION: Commissioner Stup.

SECOND: Commissioner Ryan.

VOTE: 4-0. (Alderman Russell abstained)

Approval of the April 5, 2013 Pre-Planning Commission Hearing Minutes as amended:

Minutes tabled until the May 13, 2013 Planning Commission Hearing.

III. PUBLIC HEARING-SWEARING IN:

"Do you solemnly swear or affirm that the responses given and statements made in this hearing before the Planning Commission will be the whole truth and nothing but the truth." If so, answer "I do".

IV. PUBLIC HEARING-CONSENT ITEMS:

(All matters included under the Consent Agenda are considered to be routine by the Planning Commission. They will be enacted by one motion in the form listed below, without separate discussion of each item, unless any person present – Planning Commissioner, Planning Staff or citizen -- requests an item or items to be removed from the Consent Agenda. Any item removed from the Consent Agenda will be considered separately at the end of the Consent Agenda. If you would like any of the items below considered separately, please say so when the Planning Commission Chairman announces the Consent Agenda.)

A. PC13-45FSU, Final Subdivision Plat, 119-125 West South Street

MOTION: Commissioner Stup moved to approved PC13-45FSU in accordance with the staff report.
SECOND: Commissioner Bokee.
VOTE: 5-0

V. CONTINUANCES:

B. PC12-716MU, Master Plan, West Park Village

MOTION: Commissioner Stup moved to approved the request for a 30 day continuance to the May 13, 2013 Planning Commission Hearing.
SECOND: Commissioner McConnell.
VOTE: 5-0

VI. MISCELLANEOUS:

C. City of Frederick FY14 MDoT Transportation Priorities

Mr. Davis entered the entire staff report into the record. There was no public comment on this item.

MOTION: Commissioner Stup moved for a positive recommendation to the Mayor and Board of Aldermen for the FY2014 transportation priorities for the City.
SECOND: Commissioner Bokee.
VOTE: 5-0

VII. OLD BUSINESS:

D. PC12-785PSU, Preliminary Subdivision Plat-Market Square at Frederick

Mr. Love entered the entire staff report into the record. There was no public comment on this item.

MOTION: Commissioner Stup moved to approve PC12-785PSU with the two conditions to be met in less than 60 days in accordance with the staff report and testimony provided..
SECOND: Commissioner McConnell.
VOTE: 5-0

E. PC12-786FSI, Final Site Plan-Market Square at Frederick

Mr. Love entered the entire staff report into the record. There was no public comment on this item.

Planning Commission Action Per Section 607 (d) (2):

MOTION: Commissioner Stup moved for the approval of an offsite parking modification for 38 spaces for Lot R-3 in accordance with Section 607(d) (2) and the applicant's justification

letter and allowing for additional increase in the parking modification based only on additional spaces lost by design of additional ADA spaces.

SECOND: Commissioner Bokee.

VOTE: 5-0

Planning Commission Action for Architectural Elevations:

MOTION: Commissioner Stup moved for the approval of the architectural elevations based on compliance with the Class A building and urban design standards established in Section 604 and the shopping center design standards established in Section 863 as verified through the narratives and architectural elevations provided in accordance with the staff report and testimony provided.

SECOND: Commissioner McConnell.

VOTE: 5-0

Planning Commission Action for PC12-786FSI:

MOTION: Commissioner Stup moved to approve PC12-786FSI with the five conditions to be met in less than 60 days with # 2 to be modified with the correct forest conservation case number to be PC12-220PFCP and in accordance with the staff report and testimony this evening.

SECOND: Commissioner Bokee.

VOTE: 5-0

VIII. NEW BUSINESS:

E PC13-055FSU, Final Subdivision Plat-Montevue Campus/Citizens Nursing Home

Ms. Reppert entered the entire staff report into the record. There was public comment on this item.

Joyce Hilton of 599 Cawley Drive stated that she doesn't think that the people have been taken into consideration. She stated that if you want to make it happen for a person you make it happen. She feels that the County doesn't care for the people that live there. She opposes the project.

Sonja Sperlich of 5 Everhart Lane submitted a letter to the Planning Commission for the record. She read briefly the letter into the record. She stated there are many reasons listed as to why the project should not be approved.

1. The sale is not in the best interest of the citizens, patients and staff.
2. The original intent in use of the land.
3. County historical practice.
4. Montevue and Citizens currently provide high quality care in a cost effective manner.
5. What remains of the 94 acres needs to be preserved.

She opposes the project.

Joseph Berman of 233 E. 2nd Street stated that the forced movement of elderly at Montevue is wrong and unethical. He feels that this zoning process should be slowed or stopped so they can demonstrate the value

of this beautiful building we have all built in the almost 200 year tradition that it represents. He opposes the project.

Joyce Rowe of Montevue Auxillary proposed that land not be subdivided because she feels the old building at Montevue could be made into an independent living for senior citizens. She opposes the project.

Steve Bruns of 6113 Baldrige Circle feels that the Planning Commission should review the pending problem with the subdivision. He has concerns for public safety and access to the facility by the Rosemont Avenue entrance as well as the hazardous environmental conditions imposed by Fort Detrick's Area B. He opposes the subdivision.

Charles Trunk of 506 Fairview Avenue stated that the Planning Commission should determine if approving this subdivision is morally and ethically correct. He opposes the project.

Jen Hahn of Brunswick stated that if the Planning Commission approves the request this evening one can assume it is the first step in selling off the parcels which happen to sit in the discharge area of the carcinogenic plume as well as an alleged floodplain. She opposes the subdivision.

Paul Gordon of 202 Meadowdale Lane stated that the Planning Commission has the obligation to make sure this property is used for no other purpose but for the poor and needy. He opposes the project.

Don Linton of Shookstown Road feels there is no reason to subdivide the property. He stated it is in violation of the deed. He stated that the people at Citizens are City/County residents and we have a responsibility to take care of them. He feels this should be postponed until the deed restriction is resolved then they can come back to apply. He opposes the project.

Leslie Powell of 115 North Market Street submitted documentation for the record that contains the restricted language that some of the speakers referred to. She stated that in the Land Management Code (LMC) that all applications have to meet certain criteria and that the application has to be complete. She feels the application is defective. She added that when the Planning Commission considers this they need to consider that they need to act in a lawful fashion and asked if they have had any review done on the impact of the dedication, this restrictive covenant? She strongly urges the Planning Commission to deny the project.

George Rudy of 133 West 3rd Street stated that this site has been inundated with environmental plumes that have to be classified. He feels that any decisions to move forward with this are criminal. He is opposed to the subdivision.

Alderman Carol Krimm stated that she concurs with Leslie Powell. She stated that in Section 508(b) of the LMC, it states that the requirements of what needs to be submitted should be under Article 11 which is Section 1110 which talks about abstract of title to the land within the proposed subdivision setting forth all legal and equitable interest therein. She would like that to be taken into consideration because there has been a lot of discussion regarding the title..

MOTION: Commissioner Stup moved to recommend approval of PC13-055FSU for North Montevue Campus with the three conditions to be met in more than 60 days and less than one year in accordance with the staff report and the testimony provided.

SECOND: Commissioner McConnell.

VOTE: 5-0

F. PC12-782FSI, Final Site Plan-7th Street McDonalds

Ms. Reppert entered the entire staff report into the record. There was no public comment on this item.

Planning Commission Action Per Section 601:

MOTION: Commissioner Bokee recommended approval of the five modifications to Section 601, Table 601-2 based on the right-of-way dedication and frontage improvements as mitigation in accordance with the staff report and testimony provided.
SECOND: Commissioner McConnell.
VOTE: 4-1. (Commissioner Stup opposed)

Planning Commission Action Per Section 607 (g) (1):

MOTION: Commissioner Bokee recommended approval of a modification to Section 607 (g) (1) to reduce required parking setback from W. 7th Street from 10' to 3' based on the dedication of the 10' right-of-way and the compensating design feature of screening along W. 7th Street in accordance with the staff report and testimony provided.
SECOND: Alderman Russell.
VOTE: 5-0.

Planning Commission Action Per 605 (f) (5):

MOTION: Commissioner Bokee moved to recommend approval of a modification to Section 605 (f) (5) for the street tree landscaping requirement based on the compensating design feature of onsite tree plantings to be maintained by the owner in accordance with the executed Site Plan Enforcement Agreement.
SECOND: Commissioner McConnell.
VOTE: 5-0.

Planning Commission Action for PC12-782FSI:

MOTION: Commissioner Bokee moved to approved PC12-782FSI with the five conditions to be met:

Within 60 days:

1. Add the following note to the plan: "The dedication plat for 10' of right of way along W. 7th Street must be approved and recorded prior to issuance of the first building permit for this project."
2. Accurately measure the entrance separation distances and correct labels.
3. Edit Note 6 to provide approval date of APFO exemptions.
4. That the type of evergreens to be planted along the W 7th Street frontage be identified on the plan.
5. Add a note to the plan stating, "A monetary contribution of \$15,000 must be paid at the time of building permit application to be held in escrow by the City to be used for future traffic improvements along W 7th Street."

In greater than 60 days and less than one year:

1. Revise the plan to show 10' right-of-way dedication.
2. Finalize the SWM concept plan to include corrections noted in the staff report and approved by the Engineering Department.
3. Execute a right-of-way encroachment agreement for the freestanding sign to be recorded prior to dedication plat recordation.

SECOND: Alderman Russell.

VOTE: 4-1. (Commissioner Stup opposed)

There was no further business.

Meeting adjourned at 10:05 p.m.

Respectfully Submitted,

Carreanne Eyler
Administrative Assistant

APPROVED 05-13-2013